

MINUTES OF THE REGULAR MEETING  
OF THE CITY COUNCIL OF HUNTSVILLE, ALABAMA,  
HELD THURSDAY, JUNE 25, 2015

The Honorable Council of the City of Huntsville, Alabama, met in regular session on Thursday, June 25, 2015, at 6 p.m., in the Council Chambers of the Municipal Building, there being present:

President:	Russell
Councilpersons:	Robinson, Culver, Kling
Councilpersons Absent:	Showers
Mayor:	Battle
City Administrator:	Hamilton
City Attorney:	Joffrion
City Clerk-Treasurer:	Hagood

President Russell called the meeting to order.

President Russell asked for those persons who wished to do so to join in a moment of silence; President Russell led the pledge of allegiance.

President Russell stated that the first item on the agenda was Approval of Minutes.

The minutes of the Regular Meeting of the Council on June 11, 2015, and a Special Session of the Council on June 16, 2015, were approved as submitted.

President Russell read and introduced a resolution congratulating Bishop Elect Ernest A. Edwards on his

consecration ceremony, to be held June 27, 2015, at True Light Church of God in Christ, as follows:

(RESOLUTION NO. 15-442)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted by the Council members present.

President Russell stated that the next item on the agenda was Public Hearings to be Held.

President Russell stated that it was the time and place in the meeting for a public hearing on Ordinance No. 15-313, zoning newly annexed property lying on the east side of Research Park Boulevard and on the north side of Plummer Road as Commercial Industrial Park District, which hearing was set at the May 14, 2015, Regular Council Meeting.

President Russell recognized Ms. Ashley Nichols of the Planning Department.

Ms. Nichols stated that the subject property was newly annexed property and was approximately 8.35 acres, located on the east side of Research Park Boulevard and on the north side of Plummer Road. She stated that this was currently vacant land and the use was for a proposed industrial development. She stated that this had been recommended by the Planning Commission at the May Planning Commission meeting.

President Russell asked if there was anyone in the audience who would like to address the Council on this particular issue.

There was no response.

President Russell stated that the public hearing was closed.

President Russell moved for approval of Ordinance No. 15-313, zoning newly annexed property lying on the east side of Research Park Boulevard and on the north side of Plummer Road as Commercial Industrial Park District, which ordinance was introduced at the May 14, 2015, Regular Council Meeting, as follows:

(ORDINANCE NO. 15-313)

Said motion was duly seconded by Councilman Kling.

President Russell asked if there was any further discussion of this matter.

There was no response.

President Russell called for the vote on the above ordinance, and it was unanimously adopted by the Council members present.

President Russell stated that it was the time and place in the meeting for a public hearing on Ordinance No. 15-315, amending Article 23, General Business C-3 District, Section 23.1, Uses Permitted; Article 75, Alcoholic Beverage Establishment Regulations, Section 75.3, Permitted Establishments by Districts; and Article 92, Board of Adjustment, Section 92.5, Powers and Duties, Subsection 92.5.3, Permitted Uses as Special Exceptions, by adding new Subsection 92.5.3(37), to add language concerning alcoholic beverage

manufacturers, which hearing was set at the May 14, 2015, Regular Council Meeting.

President Russell recognized Ms. Nichols.

Ms. Nichols stated that this proposed ordinance amendment would remove alcoholic language, concerning brew pubs and beer breweries, from Article 23, General Business C-3 District. She stated that within the zoning ordinance, all the alcoholic regulations were contained under Article 75, so that this would make the zoning ordinance consistent across the board, with all the alcoholic language contained in Article 75 only. She continued that it would also add a new clause for special exceptions for alcoholic beverage manufacturers that conducted tastings or samplings on the licensed premises, with or without entertainment. She continued that this would be permitted within General Business C-3, Highway Business C-4, Light Industry, Heavy Industry, Commercial Industrial Park, and Airport Commercial districts.

President Russell asked if there was anyone in the audience who would like to address the Council on this particular matter.

Ms. Jackie Reed, 303 Jack Coleman Drive, appeared before the Council, asking if they were opening the gate for more alcohol all over the city, in all these districts and areas, with open containers, and walking around, et cetera. She asked if that had anything to do with this.

Ms. Nichols replied in the negative, stating that this was

not pertaining to the Entertainment District, that it was basically adding alcoholic beverage manufacturers as a Special Exception under particular districts, which would include Light and Heavy Industry, Commercial Industrial Park, and Airport Commercial districts.

Ms. Reed asked if it was correct that this would amend permitted districts, but there were no addresses being furnished.

Ms. Nichols stated that it would be by special exception. She stated that if businesses were interested in having tastings or samplings, they would go to the Board of Zoning Adjustment and request a special exception. She continued that they would also give their conditions, and the Board could set any additional conditions or stipulations as they saw fit.

President Russell stated that this did not pertain to the Downtown Entertainment District.

President Russell asked if there was anyone else in the audience who would like to address the Council on this particular issue.

There was no response.

President Russell stated that the public hearing was closed.

President Russell moved for approval of Ordinance No. 15-315, amending Article 23, General Business C-3 District, Section 23.1, Uses Permitted; Article 75, Alcoholic Beverage Establishment Regulations, Section 75.3, Permitted

Establishments by Districts; and Article 92, Board of Adjustment, Section 92.5, Powers and Duties, Subsection 92.5.3, Permitted Uses as Special Exceptions, by adding new Subsection 92.5.3(37), to add language concerning alcoholic beverage manufacturers, which ordinance was introduced at the May 14, 2015, Regular Meeting of the Council, as follows:

(ORDINANCE NO. 15-315)

Said motion was duly seconded by Councilwoman Robinson.

President Russell asked if there was any discussion of the above ordinance.

President Russell recognized Councilman Kling.

Councilman Kling asked Ms. Nichols, concerning exceptions, if this was a one-time deal, a one-year deal, or if it was permanent. He asked how this would work in case something did not go right.

Ms. Nichols stated that the Board of Zoning Adjustment special exceptions were typically on a year-to-year basis, that the Board could impose more or less, that it was completely up to their discretion. She continued that this would primarily pertain to the districts that were listed. She stated that currently they did not permit any type of alcoholic beverage manufacturers that wanted tastings or samplings, period. She continued that this would give them an opportunity to have these in the city of Huntsville.

President Russell asked if there was any further discussion of the above ordinance.

There was no response.

President Russell called for the vote on Ordinance No. 15-315, and it was unanimously adopted by the Council members present.

President Russell stated that the next item on the agenda was Communications from the Public.

Mr. Michael Polemeni, 4519 Baywood Drive, appeared before the Council, stating that he was present in reference to the Uber ordinances and transportation ordinances. He stated that Section 8-152 had a lot of exclusions in it. He continued that he felt it was unfair practice to have some of these exclusions, stating that perhaps they could be whittled down somewhat. He stated that at the last prom season, there was a vehicle, apparently out of Athens, with a 44 tag number. He continued that, however, this was a dealer tag. He stated that they were bringing prom students to the Von Braun Center.

Mr. Polemeni stated that there were all sorts of essentially illegal services being provided at this time, to the airport and other areas. He asked how strict the enforcement would be. He asked if they could restrict some of the exclusions and make it fair for all drivers of any vehicles in the city.

President Russell stated to Mr. Polemeni that the Council would discuss this when considering this issue on the agenda.

Mr. Naaman Goode, 2102 Seyforth Drive, appeared before the Council, stating that he would like to speak concerning three

areas, regarding the northeast area of the city, particularly the Chapman area, where he lived. He stated that his first concern was streets, noting that by his remarks he did not intend to denigrate the Street people. He asked if perhaps someone had put out a rumor that there was gold buried under Oakwood Avenue, noting that it had been dug up, and dug up, and patched, and dug up, and patched. He stated that if one traveled on that street westbound from Lee High Drive to the Parkway, it was basically patches, even including the area in front of Hundley, the new street that had been extended to Oakwood.

Mr. Goode stated that he was sure someone in the Engineering Department understood all the markings that had been made on the pavement, but he didn't. He asked if someone would please give him an idea of what was going on on Oakwood Avenue and when it would be properly repaired.

Mr. Goode stated that another concern he had was squirrels. He stated to Councilman Kling that perhaps he would recall that a few years prior, he had exchanged email communications with him regarding the problem with squirrels in his particular area. He stated that Councilman Kling's response to his inquiry had been that he was not aware there was a problem. He stated that he had thought his email would have advised Councilman Kling of this, but stated that he had seen no action taken concerning this.

Mr. Goode stated that if Animal Control would come into



the northeast area of the city, particularly around Philpot Park, they would see squirrels in almost every yard, noting that this would not be a single squirrel but several squirrels. He stated that squirrels were a problem, that they carried disease.

Mr. Goode stated that as President of the Huntsville Council of Neighborhood Associations, he, along with several other members, had met in the City Council Chambers on July 19, 2014, in a work session with the Council, regarding neighborhood concerns, items of interest in their particular neighborhoods. He stated that a concern that had come up in their meetings on numerous occasions was the fact that there were absentee landlords in their area, and that there were properties, particularly rental properties, that were not being maintained.

Mr. Goode stated that the discussion had gone back and forth at that meeting with the Council, and the burden had appeared to fall on Mr. Hamilton to do something about this. He stated that Mr. Hamilton had promised that he could provide a response to this within 60 days. He continued that they were now over 365 days from this meeting and he had not heard anything from anyone concerning this matter, not from Mr. Hamilton, any of the Council members, the President of the Council, or the Mayor. He stated that he would like to know what was going on with this effort that had been commenced more than a year prior, where they had been promised a response

within 60 days.

President Russell asked Mr. Terry Hatfield, Director of Public Works, if he could address Oakwood Avenue.

Mr. Hatfield stated that Oakwood Avenue was on the list to be repaved, from the Parkway to Andrew Jackson Way. He stated that this was about 30 days out, because the Utility Department was still making repairs. He continued that as soon as this was done, the repaving could commence.

President Russell asked if it was correct that all the utilities they could find were being repaired, that they had been digging up the holes.

Mr. Hatfield replied in the affirmative. He stated that before they resurfaced a road, they wanted all utility lines and sewer lines checked.

President Russell stated that since all this was being done, that, hopefully, they would not have to dig up the road once it was repaved.

Mr. Hatfield stated that that was correct. He continued that the Gas Department was about 30 days away from completing their work.

President Russell asked Mr. Hamilton if he could address the outside landlords issue.

Mr. Hamilton stated that he was not certain exactly what work session Mr. Goode had been referring to. He stated that they had had staff do some analysis and look at what the options might be, but at this point they had not identified

options that the Administration would be comfortable bringing to the Council to amend ordinances, et cetera. He stated that it was a project that had been set aside as they looked for options.

Mr. Hamilton stated that there were a few initiatives particularly as related to apartments, which he noted was where they had focused most of their efforts, as opposed to single-family homes. He stated that as they had looked at this, the issues they saw related to neighborhoods with single-family homes were very different from the conditions related to apartments.

Mr. Hamilton stated that Mayor Battle had asked them to focus more attention on the apartment complexes. He stated that approximately a month and a half prior, Captain McMurray had given a brief update to the Council on the Gold Star Property program, which was where they had focused their attention. He continued that, to be completely honest, they had not identified solutions that the Administration had been comfortable with related to this matter.

Mayor Battle stated that Mr. Hamilton was exactly right, that they had not come to something on this, although they had looked at the problem. He stated that Community Development had what was basically their Good Neighbor policy, going out and making sure that people were doing the right things in their yards and keeping their houses up to certain standards, standards that had been established in the city of Huntsville.

He continued that when one looked at these, 50 percent were homeowners occupying their own homes, and the other 50 percent were rentals.

Mayor Battle stated that they had not found an overwhelming ticket that said they were going to solve a lot of things by having a total registration of homeowners, or having some kind of system with the homeowners where they had a contact number, et cetera, just because of the sheer volume and the manpower that it would take to keep up with it. He stated that they worked with Community Development on a daily basis, trying to keep up with this, to make sure they understood it. He stated that at this point, they had looked at it pretty strongly, but they had not felt like it was in the best interest of the City to put out the money that they would have to put into manpower, data entry, and everything else they would have to do to have a registration of every homeowner who was renting houses in the city of Huntsville.

Mayor Battle stated to Mr. Goode that he was sorry they had not gotten back with him, but noted that they had looked at it.

Mayor Battle stated that he believed the 50-50 figure was correct, or it would be 60-40, somewhere in that area. He stated that this had been their telltale figure of what they were looking at, and they had just not felt like it was enough to justify what it was going to cost. He stated that they should have gotten back to Mr. Goode on this.

President Russell asked Councilman Kling if he would comment on the squirrel situation.

Councilman Kling stated that there was a squirrel problem. He continued that there had been white squirrels that had been caught and taken to the Botanical Garden, to attempt to keep them in that area. He continued that white squirrels had been spotted in Bailey/Patton Estates, Triana Village, and also in Holiday Homes.

Councilman Kling stated that Dr. Sheppard, Director of Animal Services, was present and that perhaps she would like to add something to this. He continued that squirrels were in every section of the city, and that he did not know what the solution was. He stated that they had been caught and taken to the Botanical Garden and had ended up being released and found miles away.

Mr. Goode stated that he was not concerned about the white squirrels that might have been transplanted to another area, that he was concerned about the gray ones that were in his yard, that dug flowers up out of pots and ate the pecan crop on his trees. He stated that there were plenty of them. He asked if they knew it was a problem, if they just said, "Well, it's a problem. We don't have any solution."

Mr. Goode stated that it was a problem, and they should work on a solution. He stated that if he needed to work on the solution, he would be glad to do so.

Councilman Kling asked if Mr. Goode had some ideas he

would like for them to look into.

Mr. Goode stated that in years past, Animal Control Services had brought traps out to persons, but they had ceased to do this. He stated that, also, previously one could go and pick up a trap and sign for it, and once one caught a squirrel in it, one could call them, and they would come and pick up the squirrel. He continued that at this time, they no longer did that. He stated that he had his own catch-alive trap, and that was what he did.

President Russell asked Dr. Sheppard if she would like to comment on this matter.

Dr. Sheppard stated that what Mr. Goode was saying was true, that they had discontinued handling nuisance wildlife. She continued that there was an abundant amount of urban natural wildlife, with squirrels being one of them, that persons could define as a "nuisance." She stated that they were here to stay.

Dr. Sheppard stated to Mr. Goode that she understood about his pecans and why a number of persons got frustrated. She stated that there were just not a lot of easy solutions, and that persons had to learn to live with them. She stated that creating a way to stop the squirrels from getting up in the trees was most likely the best way to go on this matter. She stated that she would be glad to discuss this with Mr. Goode.

Mr. Bob Boyett, 3312 Village Drive, appeared before the Council, stating that he wanted to talk about the

Botanical Garden shutting down dumping for professional tree services, from putting chips in the designated area. He stated that apparently there had been some illegal dumping going on over there, and it had cost the City a lot of money, and now they had just completely shut down the dump site. He stated that this was a green thing, and it was good for the city, and he hated to see it go away. He stated that he believed a couple of cameras properly placed, perhaps in the Botanical Garden area, to catch the perpetrators would fix the problem. He stated that there was a \$1,000 reward, and that he had been by trying to collect on this, but nobody had dumped over there.

Mr. Boyett stated that his No. 2 issue was cable wires hanging off of telephone poles. He stated that it was a State ordinance that after this was reported, after five days the particular companies were in violation. He stated that Councilman Kling had been very helpful on this, but that he did not have time to send him information identifying the problems. He continued that this was all over the city, all over Madison, and everywhere. He continued that he was in the streets every day, with his small business, and that he saw this all the time.

Mr. Boyett stated that where he had grown up, in Pontiac, Michigan, it would have been entertainment for them to take a cable wire at night and stretch it across the street and have a car come by and watch it roll down the road. He stated

that that kind of entertainment could happen in Huntsville, and that he certainly did not want to see it happen, with someone getting twisted up in it. He continued that if there was a bad storm, there would be wires flying around everywhere, and that they certainly did not need that.

Mr. Boyett stated that he had one additional item. He stated that he had a tree service, and that it got extremely hot during the day, and they were limited on what time they could start work, which he noted was 7 a.m. in the city. He stated that he was hoping to perhaps get some sort of special amendment concerning this through the summer, so that perhaps they could start at 6 a.m.

Mayor Battle stated to Mr. Boyett that if he did have the time, the City had the "SeeClickFix" app that he could put on his cell phone and just take a picture and say "Wires down," and it would tell where it was, and it would spot it on a map, et cetera, so that someone could come out and take care of it. He continued that if Mr. Boyett could just take a second to do this, it would be taken care of. He stated that they had a system to determine whose wires they were and to get it fixed.

Ms. Jackie Reed again appeared before the Council, stating that she appreciated the Council allowing this public input. She continued that she wanted to wish everyone a safe and happy 4th of July.

Ms. Reed stated that she would like to give the public a warning about the City Council parking area. She stated that



she had recently been on a family outing across the street from the parking area, and she had parked a car she had for sale in one of the Council members' designated areas. She stated that evidently the Council members came in at all hours of the night, and that persons should stay out of that area or they would get a ticket. She stated that she had gotten a ticket, but she had not seen it, and that two weeks later, on Bob Wallace Avenue, another ticket had shown up on her car, which she noted one could not even read. She stated that she had been driving the car, showing it for sale, et cetera, and then there was the ticket sitting there. She stated that she did not know how it had gotten on Bob Wallace, since her car tag showed Jack Coleman. She stated that there appeared to be a lot of things going on in the city. She reiterated that persons should stay away from the City Council parking area, noting that that was their territory 24 hours a day.

Ms. Reed stated that she would like to know about the progress on Old Madison Pike, noting that she had been on that for eight years and that she did not hear too much about it anymore.

Ms. Reed stated that she would also like to know what was going on at Calhoun Community College, noting that persons had been asking her about this every day. She stated that she did not know what was going on, about all the roads, et cetera.

Ms. Reed stated that she would like to know how much money the City had borrowed recently, noting that this had occurred

at a Tuesday meeting when she had to work and was not able to attend the meeting. She stated that she would like to know how much money they borrowed, refinanced, et cetera. She stated that later on she would be asking about what they were going to do with the money they borrowed. She continued that she just knew they were going to put some of it into roads.

Ms. Reed stated she had attended a Planning Commission meeting recently, and that it was very powerful. She stated that she had also attended a School Board meeting recently. She stated that Westlawn School had been sold a week earlier, and the public did not know anything about it. She stated that that was why the Council had been called snakes at a meeting. She asked them if they recalled this.

Ms. Reed stated that things were going on in the city. She stated that the Planning Commission had it in their meeting, but the public didn't know. She stated that these meetings were a week apart. She asked the Council to stop this mess and let the public know what was going on, that there was a school deal going on.

Ms. Reed stated that she wanted to clear up a matter, noting that the Federal Courts had not put the City in a mess, like they were saying. She stated that the School Board, the elected officials, and the Superintendent, with the Council being a party to it, had allowed what was going on in the city. She stated that when Butler came to the Planning Commission, she would stop it if she could. She stated that they should

stop making deals with developers before the public knew about it. She stated that they should not say they did not know anything about these matters, noting that they came through the Planning Commission, that they had to change the zoning. She stated that there were snake deals going on, and that they should stop it, that the public had a right to know about these matters ahead of time.

Mayor Battle stated to Ms. Reed, concerning the money borrowed, that they had borrowed \$70 million, and that \$50 million would go in August to the Alabama Department of Transportation for roads, being the City's portion of the "Restore our Roads" project.

Mayor Battle stated that the other \$20 million was the \$20 million that had been in the Capital Plan for the past 10 years for the Natatorium.

President Russell asked Mr. Shane Davis, Director of Urban Development, if he could provide an update for Ms. Reed and the public on Old Madison Pike and the road in front of Calhoun Community College.

Mr. Davis stated that Old Madison Pike was approximately 70 percent complete on construction, and that most of the road was 100 percent complete. He stated that this was on schedule to be completed and opened by the end of the year.

Mr. Davis stated, concerning Wynn Drive and Calhoun, that it had been largely publicized that Calhoun was building a new educational building and also doing some remodeling, and they

were straightening out Wynn Drive to help accommodate the increased traffic from the expansion.

Mr. Larry Thomas, 908 Henderson Road, appeared before the Council, stating that he wanted to speak to Ordinance No. 15-414, concerning the Code of Ordinances, Vehicles for Hire, which was basically Uber, Lyft, and SideCar. He stated that he had looked at this, and that one of the things that was of concern to him was on pages 39 and 40, concerning a minimum base rate that the City Council had the capability to set and change. He continued that this was all about price fixing. He continued that when there was a meeting to discuss setting a price for a vendor, or a group of vendors, that was price fixing. He stated that he would like to hear this addressed later in the meeting when this ordinance would be considered.

Mr. Thomas stated that another matter he was concerned about in this was that there was some discussion about officers having the right to go ahead and pull up one of these apps and hire a driver. He stated that they could enter that they wanted to drive 30 miles away, and there could be a real customer that would want to drive 20 miles away. He stated that an officer could put that data in to bait one of these cars to come by so they could do a vehicle inspection on it. He stated that the driver of that car would then be out of work for the next customer. He stated that he realized this also affected the taxi services, and things of that nature. He continued that he did not know if the taxi services got pulled

over just as equally as the Uber drivers, Lyft drivers, and SideCar drivers. He stated that a lot of times, persons that were using these apps would actually be drivers for all three networks, or even more, because there were more and more of these networks that were popping up all over the app stores and Google Play stores.

Mr. Thomas stated that this was something that was of benefit to the consumer, to be able to go out and get cheap transportation. He stated that page 39 of the ordinance stated that limousines, luxury vehicles, and special shuttles shall, as a minimum base rate, charge \$35.00 an hour, excluding other fees and gratuities, without prorating the first hour. He continued that the next paragraph stated that vehicles for hire that charge in whole or part on an hourly basis shall not prorate the first hour. He asked if persons were going to use one of these luxury vehicles that came by and picked them up if they were only going one-half mile away, if they were going to hire them at \$35 an hour. He answered that persons would not, that they would go with some other service, a taxi or something such as that.

Mr. Thomas stated that, basically, they were fixing in part of the market allocation so that it would only go to a certain clientele. He stated that this had him concerned, that the City Council would be in collusion with this.

Mr. Thomas stated that he would like that matter addressed.

Mayor Battle stated that in each of these ordinances, they had been working with the transportation industry and the transportation providers. He continued that the City was working with the citizens and the consumers, and they were working to make sure that it would work, so that they could keep a good transportation system in place. He stated that they were working both sides, and that they would address some of Mr. Thomas' issues when the matter came up on the agenda.

Mr. Hamilton stated that the ordinance the Council would be considering later in the meeting was an amendment to the existing ordinance. He stated that the particular fee structures that Mr. Thomas was asking about were in the existing ordinance, that this was not a new structure.

President Russell stated that the next item on the agenda was Huntsville Utilities Items.

President Russell read and introduced a resolution authorizing the Mayor to execute a purchase contract for the Series 2015 Water Warrants, as follows:

(RESOLUTION NO. 15-443)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling.

President Russell asked Mr. Joe Gehrdes of Huntsville Utilities for an explanation of the above resolution.

Mr. Gehrdes stated that the warrants would be the primary funding mechanism for the construction of the Southeast Water Treatment Plant and associated improvements.

President Russell inquired as to the value of the warrants.

Mr. Gehrdes stated that it was \$105 million.

President Russell inquired as to the interest rate.

Mr. Gehrdes stated that Mr. Ted Phillips, CFO of Huntsville Utilities, would come to the microphone.

Mr. Phillips stated that the pricing had not been set as of this time. He stated that what they were asking for the Council's approval for was that once they got the pricing set and it was approved by their Water Board, they could bring it to Mayor Battle to have him sign it. He continued that they would also bring it to the City Council.

President Russell asked if there were any questions for Mr. Phillips or Mr. Gehrdes.

There was no response.

President Russell called for the vote on Resolution No. 15-443, and it was unanimously adopted by the Council members present.

President Russell stated that the next item on the agenda was Board Appointments to be Voted On.

President Russell read and introduced a resolution to reappoint Carla McAlpine-Franklin to the Alabama Constitution Village/Historic Huntsville Depot Board, for a term to begin June 26, 2015, and expire June 26, 2018, as follows:

(RESOLUTION NO. 15-444)

President Russell moved for approval of the foregoing

resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

Councilman Culver read and introduced a resolution to reappoint Dorothy Huston to the Huntsville Water Utility Board, for a term to begin July 1, 2015, and expire July 1, 2018, as follows:

(RESOLUTION NO. 15-445)

Councilman Culver moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Culver read and introduced a resolution to reappoint Dorothy Huston to the Huntsville Natural Gas Utility Board, for a term to begin July 1, 2015, and expire July 1, 2018, as follows:

(RESOLUTION NO. 15-446)

Councilman Culver moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Kling read and introduced a resolution to reappoint Thomas Winstead to the Huntsville Electric Utility Board, for a term to begin July 1, 2015, and expire July 1, 2018, as follows:

(RESOLUTION NO. 15-447)

Councilman Kling moved for approval of the foregoing



resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution to reappoint William H. Starnes to the Alabama Constitution Village/Historic Huntsville Depot Board, for a term to begin June 26, 2015, and expire June 26, 2018, as follows:

(RESOLUTION NO. 15-448)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted by the Council members present.

President Russell asked if there were any Board Appointment Nominations.

There was no response.

President Russell stated that the next item on the agenda was Approval of Expenditures.

Councilman Kling read and introduced a resolution authorizing expenditures for payment, as follows:

(RESOLUTION NO. 15-449)

Councilman Kling moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted by the Council members present.

President Russell asked if there was a Finance Committee Report.

Councilman Kling stated that he believed Mr. Randy Taylor, Finance Director, had something to present at this time.

Mr. Taylor stated that he did not have a specific report at this time, that he would only echo what Mayor Battle had already responded to from the public about the bond issue. He stated that there had been a Special Session of the Council on June 16, where the Council had approved the Warrant issuance. He stated that \$70 million was the amount the City would receive on the following Tuesday. He continued that it would be spent as Mayor Battle had previously described.

President Russell asked if there were any questions for Mr. Taylor.

There was no response.

President Russell stated that the next item on the agenda was Communications from the Mayor.

President Russell recognized Mayor Battle.

Mayor Battle stated that the current week was Armed Forces Week, where the community honored those who had served in the Army and those who were serving in the Army. He stated that he wanted to thank each of such persons for their service to the community. He stated that the week had commenced on the previous Monday, with a concert, which, unfortunately, had been rained out at the very last minute. He continued that they had had a barbecue for the command staff at Redstone Arsenal, and then they were going to listen to the Army Materiel Band, when the rain had popped up.

Mayor Battle continued that they had had a signing of a proclamation indicating how the City was in partnership with

Redstone Arsenal, along with Madison County and the City of Madison, working to make sure that the Arsenal was the best it could be, because the best that it could be made persons safer every day.

Mayor Battle stated that there had been a luncheon on the previous day, with Gen. John Hyten, whom he noted was a Grissom graduate and a four-star general with the Air Force. He continued that Gen. Hyten had spoken at the event and had done an outstanding job.

Mayor Battle stated that they would end the week on the following day, with the City/County local leaders playing softball against Redstone Arsenal. He continued that persons should remember the City for this event.

Mayor Battle made the following Board appointments:

Kim McQuinn for appointment to the Board of Examination and Appeals for Construction Industries, for a partial term to expire September 21, 2016.

John Olshefski for appointment to the Huntsville Police Citizens Advisory Council, for a partial term to expire July 8, 2016.

Kimberly Ford for reappointment to the Huntsville Ice Skating Complex Board of Control, for a term to expire November 20, 2017.

Mike Finnegan for reappointment to the Huntsville Ice Skating Complex Board of Control, for a term to expire November 20, 2017.

Dr. Cathy Vasile for reappointment to the Alabama Constitution Village/Historic Huntsville Depot Board, for a term to expire June 26, 2018.

Mayor Battle stated that there were many activities happening in the city at this time, noting that on this day there was Greene Street Market, and there was Arts on the Square and Music on the Square.

Mayor Battle wished everyone a happy and safe 4th of July. He urged persons to practice safety as they were having a good time.

President Russell stated that the next item on the agenda was Communications from Council Members.

President Russell recognized Councilman Culver.

Councilman Culver stated that one of the Council members from the City of Triana was in attendance at the meeting, Mr. Luis Ferrer. He asked if Mr. Ferrer would like to make any comments at this time, noting that he would defer some of his time to him.

Mr. Ferrer appeared before the Council, stating that he had come by to speak with Councilman Culver in regard to problems they were having with delinquency in Councilman Culver's district and in his area. He stated that they were trying to work with the City of Huntsville to see if they could help them in patrolling those areas, because in the past couple of months they had had a lot of house and car break-ins.

Councilman Culver stated that their districts bordered each other, being the west district he represented, in the Zierdt Road area. He thanked Mr. Hamilton and Chief Morris for the work that they were doing on this matter. He continued that he was sharing this information with the communities on Zierdt Road and other communities in the area.

Councilman Culver wished everyone a happy and safe 4th of July weekend. He asked that persons remember the purpose of the celebration, for independence and the soldiers who fought to keep everyone free and able to do all the things they were able to do as Americans that people in other countries were not able to do.

Councilman Kling recognized Councilman Kling.

Councilman Kling stated that it was going to be an exciting weekend in West Huntsville, noting that the Merrimack/Joe Bradley Reunion would be taking place on the following Saturday at the Fraternal Order of Eagles. He stated that there was a lot of history that lived on, even though the school was no longer there. He stated that the Merrimack neighborhood association was involved in keeping this dream alive, and it was something that was awesome to participate in.

Councilman Kling stated that it was going to be especially nice because, thanks to the great job that Steve Ivey and the Recreation Department had done, the Jim Marek Park was scheduled for opening on the following Saturday. He stated that Mr. Marek was the founding leader for the Merrimack Mill

Village Association, and that he had frequently attended Council meetings and had been a great advocate for the neighborhood. He stated that the formal opening of the park was going to be a great event which everyone was looking forward to. He continued that they certainly appreciated the great work that Mr. Ivey and the Recreation Department had done to make this happen.

Councilman Kling stated that there were two persons he wanted to mention who had made great contributions to the City, one being Al Farrar, whom he noted had been very involved with scouting in the community, and was now a resident of Atlanta. He stated that he had been reminded of him by former School Board member Topper Birney, and he had begun thinking of all he had done and what he had meant to the community. He stated that he was certainly a very fine person.

Councilman Kling stated that, also, Tom McAdams had been a great leader of the Fleming Meadows/Westbury Neighborhood Association. He stated that because of some health issues, he would not be quite as active, but they would still be seeing him. He continued that he would be turning over the leadership of the Association to someone else. He stated that he had been a great neighborhood advocate, and that any time there was something that needed to be done, he was always there. He stated that the great job Mr. McAdams had done was something he had heard from many persons in that neighborhood.

Councilman Kling asked Mr. Hatfield to come to the

microphone.

Councilman Kling stated to Mr. Hatfield that he wanted to mention a couple of streets and see if they might qualify for resurfacing, being Sewanee, Stanford, and Princeton, noting that they were located in the same neighborhood area, Madison Heights, across the street from First Baptist Church. He stated that, also, he believed the first block of Queensbury Drive off Airport Road was done the prior year, and that he believed the rest of the street needed to be looked into. He stated that there was also Morgan, at the western part of Holiday Homes, noting that it ran from Bob Wallace to Patton Road. He asked that Mr. Hatfield look at all of these and see if they would qualify for resurfacing.

Mr. Hatfield stated that he would look into it and see what the ratings were.

Councilman Kling stated that he wanted to wish everyone a great holiday and stated that he was certainly proud that the community thought about what this holiday meant and the sacrifices that were made so that persons could enjoy what they had at this time.

President Russell recognized Councilwoman Robinson.

Councilwoman Robinson stated that she had had the opportunity during the week of going to Redstone Village, at the invitation of Major Gen. Grayson Tate, a long-time resident at Redstone Village. She continued that he had invited her to come and speak to his men's club, and that they had invited

women to come for the first time, and they had had the largest turnout they had ever had. She stated that she had really enjoyed meeting with the residents and talking about issues impacting South Huntsville, and that she looked forward to returning the following month for Gen. Turnmeyer's 90th birthday, noting that he was one of the founders of Redstone Village.

Councilwoman Robinson stated that the signing of the proclamation had been a great way to start Armed Forces Week, and that the luncheon with Gen. Hyten had been a great event, with a great message of change. She stated that Gen. Hyten had attended Chaffee, Whitesburg, and Grissom, prior to going to Harvard. She stated that this was a great recognition of what Huntsville produced, the kind of leadership it produced. She continued that on the prior evening, there had been the Army Soldier Show at the VBC, noting that this was a great example of young people in the Army. She stated that the theme was "We Serve," and that it was about how those persons in the Armed Forces served, noting that this was something great to remember at this time. She stated that it was also about how persons could serve in return, that it had been a great message to take away.

Councilwoman Robinson stated that there had been a recent meeting of the Planning Commission, as had been mentioned, and that there was the discussion concerning Westlawn. She stated that she was impressed with the engagement of the public,



noting that the process worked, that it was a public hearing, and the public had come and had been heard concerning their desire to revitalize West Huntsville, to make sure that goods and services that were not currently there were made available to the neighborhoods. She stated that this had been addressed with the plan, with the grocery store that would be going in, and that rather than having a vacant school, there would be a vibrant property. She continued that, also, a new school would be built, with the P-8 being built at Morris. She stated that all of this would combine to create a really great neighborhood.

Councilwoman Robinson reiterated that the process had worked, that the neighbors had been heard, and that it would be going back to the Planning Department. She stated that she wanted to underscore to the Planning staff and others involved that there was urgency in this matter, with regard to the due diligence and the contracts that were involved. She stated that this was a really good project, but they had to make sure that it would be timely.

Councilwoman Robinson stated that she wanted to comment on Mr. Goode's remarks regarding his concern about rental properties. She stated that she shared his concerns, but she wondered if they were going about this in the wrong manner, noting that they were focusing on a remedy, but perhaps they needed to focus on outcomes, and come to an agreement on outcomes and then determine what would be the best way to get

to the outcomes. She stated that this was also an issue in her district, noting that Mr. Lyle Voyles had made her very much aware of this. She stated that she just wondered if they could take a different look at it, in a slightly different approach.

Councilwoman Robinson wished everyone a very safe and happy 4th of July.

President Russell stated that there was a boy scout in the audience and asked if he would like to go to the microphone and introduce himself. He continued that if he would tell the Council his name, what troop he was in, and what badge he was working on, they would appreciate it.

Neil Hutson appeared before the Council, stating that he was with Troop 4 in New Market, Alabama, and that he was currently working toward his Eagle Scout, and that he was attending the Council meeting concerning his requirement in Communications.

President Russell welcomed Neil to the meeting and stated that if the Council members could be of any assistance to him, at the end of the meeting they would be glad to go over any issue he might want to talk about, and they would be glad to furnish him with any paperwork he might need.

President Russell stated that during the week, as well as attending the Armed Services events, he had also had the pleasure of going to many of the Little League tournaments. He stated that they had had a tournament at Fern Bell Park, and that the staff had done a great job, that the fields were

wonderful. He continued that they had had three different all-star tournaments going on at Stoner Field, noting that Stoner Field was in North Huntsville, near the rock quarry, and that the fields were nicer than any fields he had been on in the city in a long time. He complimented the persons who kept up this field, noting that it had been a great experience and the kids had certainly enjoyed it. He stated that he wanted to make sure that persons recognized that the fields were equal all over the city. He stated that in the current week they would be at Bell Mountain Park, down south in Councilwoman Robinson's district. He stated that the 11 and 12 Major League tournament would be starting on the following Monday evening. He stated that if persons wanted to see some good Little League baseball, they should come out to Bell Mountain Park for this event. He stated that the opening ceremonies would be on the following Monday, at approximately 5:30 p.m.

President Russell stated that the next item on the agenda was Unfinished Business Items for Action.

Councilman Culver moved for approval of Ordinance No. 15-413, annexing land lying on the north side of Capshaw Road and on the east side of Autumn Branch Drive, which ordinance was introduced at the June 11, 2015, Regular Council Meeting, as follows:

(ORDINANCE NO. 15-413)

Said motion was duly seconded by Councilwoman Robinson.

President Russell asked Ms. Ashley Nichols of the Planning Department for an explanation of the above ordinance.

Ms. Nichols stated that the property was approximately 0.42 acre and was located on the north side of Capshaw Road and the east side of Autumn Branch Drive. She stated that this was the Autumn Branch Subdivision, noting that when the subdivision had initially been constructed, the first few homes in the area were constructed in the county. She continued that during the second phase, the developer had decided they wanted to annex the remainder of the property into the city, leaving out the initial homes. She stated that one of the initial homeowners was now petitioning to be in the city, noting that they would like access to City services, including City sewer, as well as police and fire protection. She stated that the structure was a single-family, detached home.

President Russell asked if there were any questions or discussion of this matter.

President Russell recognized Councilman Culver.

Councilman Culver asked if this was just one particular area, with one home.

Ms. Nichols replied in the affirmative. She stated that the one that was highlighted in purple on the display was the only home that was interested in coming into the city. She stated that the other homes that were not outlined would remain in the county, but that they would have the option of annexing in in the future.

President Russell asked if there was any further discussion.

There was no response.

President Russell called for the vote on Ordinance No. 15-413, and it was unanimously adopted by the Council members present.

President Russell moved for approval of Ordinance No. 15-414, amending Chapter 8, Article IV, Vehicles for Hire, of the Code of Ordinances of the City of Huntsville, which ordinance was introduced at the June 11, 2015, Regular Council Meeting, as follows:

(ORDINANCE NO. 15-414)

Said motion was duly seconded by Councilwoman Robinson.

President Russell asked Mr. Tommy Brown, Director of Parking and Public Transit, for an explanation of the above ordinance. He stated that, also, some speakers had voiced concerns about this matter earlier in the meeting and asked that Mr. Brown address those concerns.

Mr. Brown stated that several City departments had been working for the past several weeks to streamline and clarify some of the items in the Vehicles for Hire ordinance. He continued that this involved all the providers that were allowed for under this ordinance. He stated that they had done this in collaboration with some of the taxicab company managers, and they had looked at a considerable number of ordinances from other jurisdictions that they felt like were

good and applicable, and they had used some of these things to help in making the ordinance better.

Mr. Brown stated that he would go over the highlights of the changes, noting that he could do this in as much or as little detail as the Council would like. He stated that at this time he would just hit the highlights, but noted that he would be happy to drill down into any other detail the Council would like for him to.

Mr. Brown stated that, first off, they were changing some of the requirements for the chauffeur's license that was required for taxis, limousines, and some of those type services. He continued that, basically, they were eliminating unnecessary requirements. He stated that that part of the ordinance had been in place for many years, and that there were three or four things in the ordinance they were collecting that they were not actually using for any legitimate purpose, so that they had eliminated that, streamlined it, and made it easier for the taxicab and limousine companies to get their chauffeur's licenses.

Mr. Brown stated that, also, they had made additional changes in the portion of the ordinance that regulated transportation network vehicles, transportation network companies. He continued that there were several companies, Uber, Lyft, SideCar, and four or five others, that were included under that category. He stated that this was not done in response to any particular company, that they had wanted to

make an ordinance that would welcome any of these companies that wanted to operate in Huntsville, so it was not designed for any particular company. He stated that he wanted to make this clear to the public, so that everyone would understand it.

Mr. Brown stated that another thing they had done was to streamline the licensing process, in conjunction with Mr. Hagood's staff. He continued that this would require a transportation network company to buy an annual \$5,000 license, as opposed to a license for every single vehicle the company would license. He continued that this would make it a little simpler, a little cleaner, and a little easier.

Mr. Brown stated that the ordinance clarified insurance requirements, noting that there were two different categories of insurance that transportation network vehicles generally had, one that was in effect when the driver was waiting for a fare, and another, with much higher limits, that would go into effect when the driver actually had a fare. He stated that they had clarified the ordinance to recognize these two things and to require these two things.

Mr. Brown stated that the ordinance would require a driver's card for a TNC operator, not specifically a chauffeur's license but a driver's card, which he noted would be issued by the Chief of Police or someone in his department. He stated that those drivers would be required to have that card available when providing service to the public.

Mr. Brown stated that background checks would be done by

the transportation network companies according to requirements set forth in the ordinance. He continued that these were fairly strict requirements, obviously designed to protect the public when persons were in vehicles with these drivers. He stated that these checks, although done by the company, would be sent to the Huntsville Police Department, and the Police Department would have the ability to review these and have input into them. He stated that this would eliminate a duplicative check, one that the City did and one that the company did. He stated that the company's would be accepted, and the police chief would review it, approve it, and it would be entered into the system.

Mr. Brown stated that vehicle inspections would be required, and that they would be done by a certified mechanic. He stated that the City would not do the inspections, but they would outline the standards by which vehicles would have to operate. He stated that the inspection sheets would have to be present in the car, so that if the police stopped the car and checked the car, they would have the inspection sheets to review and make sure they were up to date and in conformance with the ordinance.

Mr. Brown stated that trade dress would be required, that they would require a vehicle to have a prominent marking. He continued that he believed Lyft had a moustache they used on their cars, and that Uber had a "U." He continued that he was not sure what SideCar used, but noted they all had a trade



dress, and that it would be required that the trade dress be displayed on a vehicle when it was in service.

Mr. Brown stated that something that had been mentioned by an earlier speaker appearing before the Council was the access to the app by law enforcement officials. He stated that a taxicab was a certain color, had a meter, had a name on it, and a permit number, and was easily distinguishable. He continued that TNC vehicles would be personal cars, all sorts of different cars that would be eligible to be used, and that one of the methods for enforcement would be to use that app for a police officer to call a car. He stated that the ordinance would restrict the TNC from being able to either tell the driver that it was a police officer that was on the app or to disable the app of a known law enforcement officer. He stated that this would just give them a better and easier way to do routine on-the-street inspections.

Mr. Brown stated that they also did routine on-the-street inspections for taxicabs, noting that this was probably done daily. He stated that the police officers generally recognized that there was a fare in the vehicle, and they would wait until the fare was dropped off, et cetera. He stated that they recognized there was public service going on, and they tried not to interfere with that, that he believed they would be fair on that.

Mr. Brown stated that the business model for transportation network vehicle companies and taxicab companies

was changing, that technology was changing, and that it was happening at a pretty rapid pace. He stated that he believed the ordinance as being presented was a good framework, but he would not say they would not be back to tweak it, because most likely they would. He reiterated that they felt like it was a good framework to move forward with.

President Russell asked if there were any questions for Mr. Brown.

President Russell recognized Councilman Kling.

Councilman Kling stated that over the prior few weeks, there had been some very thought-provoking phone calls and emails pertaining to this matter, noting that a lot of these he had forwarded to Mr. Brown. He asked if there was anything that had come in since the prior Council meeting, or at this meeting, that Mr. Brown felt would need to be incorporated into what was on the table at this time, or if he felt it was about as good as they could get it at this time.

Mr. Brown stated that what they had done, working in conjunction with the Police Department, was attempted to put public safety as the No. 1 criteria, and that they felt that this ordinance did this. He stated that they could not protect against every single potential event, but that he believed this was a good framework, and that it was a fairly typical framework that people were using. He stated that he felt comfortable that this was good and would protect the public.

Councilman Kling inquired as to the competition issues or

price issues.

Mr. Brown stated, concerning a speaker's question about the minimum charge on special shuttles, or black cars, limousines, that, certainly, the Council had the authority to do that, as the Council regulated the use of the public streets. He stated that this had been put in place not arbitrarily, but that it was put in place, No. 1, because it was a fairly standard rate that these higher level vehicles charged, noting that they were talking about luxury-type vehicles that were much more expensive than a typical cab or a typical personal car. He stated that it was in line with what they charged in other cities.

Mr. Brown stated that one of their primary concerns was that someone would come in under this category and then act as a taxicab would act and do a "Give us \$10, and we will take you to the grocery store" kind of situation. He continued that they had wanted to prevent this from happening, noting that this was a higher level service that would be used primarily by executives, and hotels and motels and restaurants. He continued that it was a higher level service and higher level pricing, that they had not wanted it to be at the level of taxicabs and TNC's.

Councilman Kling asked if it was correct that the Council could go ahead and pass this ordinance at this time, and if something came up that they thought needed to be addressed, there would be nothing to prohibit Mr. Brown from coming back

to the Council with amendments or modifications.

Mr. Brown stated that there would be nothing that would prohibit them from coming back, and stated that he expected that that would happen. He stated that what they would be doing would be stating that Huntsville was open for business with TNC's, as well as the other providers they had allowed for. He stated that some of them might come in and say they needed some adjustments, and that they would look at that, and if it would be in the public's best interest, they would come back to the Council and recommend it.

President Russell stated to Mr. Joffrion that one of the earlier speakers, he believed Mr. Thomas, had mentioned price fixing and collusion. He asked if Mr. Joffrion would advise the Council concerning this, and anything else about this particular ordinance.

Mr. Joffrion stated that he believed there was some confusion between the actions of a regulatory body and what occurred in the private sector. He stated that municipalities, for the most part, were exempt from the anti-trust laws. He stated that it was not uncommon, and that, in fact, it was standard practice, actually, for municipalities to establish a base rate for luxury vehicles or limousines. He continued that the rate established for Huntsville, as he understood it, was actually somewhat lower than it was in some surrounding cities. He continued that he believed Nashville's base rate was \$55 an hour for its luxury service. He stated that it was appropriate

for a municipality to establish a base rate, but that it would not be appropriate for all the private companies to get together and determine what the rate would be. He continued that since it was established by the governing body, applicable to everyone across the board in the same classification, it was appropriate.

President Russell recognized Councilwoman Robinson.

Councilwoman Robinson asked for a clarification as to what the responsibility of the network companies would be and what the responsibilities of the drivers would be. She stated that she understood that the network companies were responsible for the business license, for the background check of their drivers, the inspection of the vehicles, and the insurance.

Mr. Brown stated that Councilwoman Robinson was correct concerning the first three she had mentioned. He stated that the insurance was a bit of a tiered thing, where when the driver was not actually carrying a passenger, the TNC, generally speaking, wanted the driver's personal insurance to be first, and then they had insurance that would insure secondary, if the driver's insurance did not pay. He stated that he believed this was a 50-100-25 limit. He stated that this would be when someone was not in the vehicle, that they would just be signed on to take a passenger. He continued that once a passenger got in the vehicle, the ordinance would require a \$1 million liability on the part of the TNC. He continued that they would have to provide that certificate to

the City Clerk-Treasurer's office when they came in to apply for their license and their certificate from the Council.

Councilwoman Robinson asked if the driver's responsibility was simply to have a valid driver's license.

Mr. Brown stated that the driver was required to have an appropriate record, an appropriate driving record, and that under the current ordinance, the driver would have to have a driver's card, he would have to have the vehicle inspection sheet available in the vehicle with him. He continued that they would provide the fuel, the maintenance on the car, and that sort of thing. He stated that all of that was their responsibility. He continued that the TNC would generally take a percentage of the fare for enabling the app and providing that app, and the driver would take the rest.

Councilwoman Robinson stated that it was an interesting business model, an evolving model. She stated that she was aware that Mr. Brown had been having a lot of conversations with the companies. She continued that the Council members had had lots of conversations with the public concerning their desire to see this happen, but that Mr. Brown had been having conversations with the companies themselves. She asked Mr. Brown if he felt this was an ordinance under which the companies would be able to do business in the city.

Mr. Brown stated that they felt like this was a good framework, although it might not be the "be all, end all." He stated that they were open for discussion and open for coming

back to the Council if there were tweaks that needed to be made. He stated that this was simply an additional transportation service that would be available to the public, just like the other services they had, that it was just something that would be an additional choice for persons.

Mr. Hamilton stated that as they had had conversations with TNC's, they had seen things evolving very rapidly that would almost force them to come back and tweak this. He stated that one thing was the insurance, noting that insurance companies were developing models to react to this. He continued that there were other places where they were seeing some pretty tough cases, that they were having to try to figure out how to split the liability, when a vehicle transitioned from a private vehicle to in-service, and things such as that. He stated that as they went forward, he would definitely anticipate them needing to tweak language to match the insurance industry dealing with these companies.

Mr. Hamilton stated that, secondly, there were conversations about their technologies, and how those technologies would enable the City to better administer this program. He stated that where every other category of a vehicle for hire was typically a small, local company, that would do most of their business in person, through paper, the TNC's were typically large, national firms that would do a lot of things electronically, and a lot of their technologies and the manner in which they managed their driver fleets would also

enable the police and/or others to help manage their roles in administering the program. He stated that he would anticipate their needing to tweak some of these things to allow that process to work more seamlessly for them. He stated that it would be unusual for them to bring the Council back the same ordinance to amend, on a rapid basis, but it would really be them trying to keep up with the pace of the technology and the business model.

Councilwoman Robinson stated that this was a start, and she believed they had all heard from persons who wanted to see this happen.

President Russell asked if there was any further discussion of this matter.

There was no response.

President Russell called for the vote on Ordinance No. 15-414, and it was unanimously adopted by the Council members present.

President Russell moved for approval of Ordinance No. 15-415, amending Section 15-85 (80) of the Code of Ordinances of the City of Huntsville, which ordinance was introduced at the June 11, 2015, Regular Council Meeting, as follows:

(ORDINANCE NO. 15-415)

Said motion was duly seconded by Councilwoman Robinson.

President Russell asked for an explanation of the above ordinance.



Mr. Chuck Hagood, City Clerk-Treasurer, stated that this was an amendment to the Code of Ordinances, Section 15-85, dealing with taxicabs and other vehicles for hire, setting the annual License Tax for Transportation Network Companies at \$5,000, and that for every other type of vehicle for hire, it would be \$125 for each vehicle operated. He stated that vehicles for hire would have to comply with Chapter 8, Article IV, before any license could be issued.

President Russell asked if there was any further discussion of this ordinance.

Councilwoman Robinson asked if there was any limit to the number of cars that could operate under the \$5,000 one-time fee or if it would be as many cars as they would want.

Mr. Hamilton stated that there was no limit. He continued that their model kind of required that. He stated that for the other types of vehicles for hire, there were some limitations on the number of vehicles they could have in their fleet, that there was some control over that so that the market would not get flooded, but for TNC's there was no cap.

President Russell asked if there was any further discussion of this matter.

There was no response.

President Russell called for the vote on Ordinance No. 15-415, and it was unanimously adopted by the Council members present.

Councilman Kling moved for approval of Ordinance

No. 15-416, amending Section 22-1 and Section 22-39 of the Code of Ordinances of the City of Huntsville, which ordinance was introduced at the June 11, 2015, Regular Council Meeting, as follows:

(ORDINANCE NO. 15-416)

Said motion was duly seconded by Councilman Culver.

President Russell recognized Councilman Kling.

Councilman Kling stated that this was pursuant to a discussion that had been held at the last two Council meetings, noting that this had been introduced at the prior meeting of the Council. He stated that it pertained to the unsolicited advertising newspapers that were thrown into persons' yards after they had contacted the company to ask that they not receive such papers. He stated that Mr. Joffrion had come up with something that he assured him met the First Amendment guidelines. He continued that he believed this was good quality work.

Councilman Kling stated that this would allow persons to post no distribution of newspapers, the dumping of newspapers in their yards, and would also give them the option of contacting the company by registered mail to opt out, on an annual basis. He stated that Mr. Joffrion had stated that this came under the existing ordinances the City had, which provided for fines for violations of this by a company after a person, by certified mail, had documentation that they had attempted to opt out.

Councilman Kling stated that in the soliciting ordinance the City had, the door-to-door soliciting ordinance, certain functions, such as neighborhood associations leaving handbills on front doorsteps, were allowed. He asked Mr. Joffrion if they were doing anything in this ordinance that would prohibit or hurt neighborhood associations, which he noted were non-profit and civic versus a for-profit advertising entity.

Mr. Joffrion replied in the negative. He continued that if an owner did not want to receive information from the neighborhood association, he or she could still post the property or provide a written notice to the association.

President Russell asked if there was any further discussion of this matter.

There was no response.

President Russell called for the vote on Ordinance No. 15-416, and it was unanimously adopted by the Council members present.

President Russell stated that the next item on the agenda was New Business Items for Introduction.

President Russell read and introduced Ordinance No. 15-450, annexing land lying south of U.S. Highway 72 West and on the east side of Slaughter Road.

President Russell read and introduced Ordinance No. 15-451, annexing land lying north of Interstate 565 and on the north side of Governors West.

President Russell read and introduced Ordinance

No. 15-452, annexing land lying south of Sutton Road and on the east side of Woodside Drive.

President Russell stated that the next item on the agenda was New Business Items for Consideration or Action.

President Russell read and introduced an ordinance to amend Budget Ordinance No. 14-665 by changing the authorized personnel strength in various departments and funds, as follows:

(ORDINANCE NO. 15-453)

President Russell moved for approval of the foregoing ordinance, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

President Russell read and introduced an ordinance to amend Budget Ordinance No. 14-665 by changing appropriated funding for various departments and funds, as follows:

(ORDINANCE NO. 15-454)

President Russell moved for approval of the foregoing ordinance, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with the low bidder meeting specifications as outlined in the attached Summary of Bids for Acceptance, as follows:

(RESOLUTION NO. 15-455)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to enter into a pager pricing agreement between the City of Huntsville and Sharp Communications, Inc., as follows:

(RESOLUTION NO. 15-456)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

President Russell moved for approval of a request for authorization to advertise and fill vacated Sanitation Worker positions, which motion was duly seconded by Councilwoman Robinson and was unanimously approved by the Council members present.

President Russell moved for approval of a request for authorization to advertise and fill two (2) Planning GNSS Assistant positions, which motion was duly seconded by Councilwoman Robinson and was unanimously approved by the Council members present.

President Russell read and introduced a resolution authorizing the City Attorney to settle the claim of Curtis Ballard, as follows:

(RESOLUTION NO. 15-457)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the City Attorney to settle the claim of Patricia Vail, as follows:

(RESOLUTION NO. 15-458)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing condemnation proceedings, to obtain rights-of-way, utility and drainage easements, and construction easements along Winchester Road for the Winchester Road widening project, as follows:

(RESOLUTION NO. 15-459)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to execute an agreement between the City of Huntsville and William M. Boehme and Associates, for

architectural services for the Dr. Richard Showers Center splash pad and interior renovations, located at 4600 Blue Spring Road, as follows:

(RESOLUTION NO. 15-460)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Fuqua & Partners Associates, for architectural services for the Administration Building canopy and minor renovations, as follows:

(RESOLUTION NO. 15-461)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and the low bidder, LTS Construction, L.L.C., for periodic bid for Emergency Pipe Bursting-2015, Project No. 65-15-SP44, as follows:

(RESOLUTION NO. 15-462)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by

Councilwoman Robinson and was unanimously adopted by the Council members present.

President Russell read and introduced an ordinance declaring certain Water Pollution Control equipment to be deemed surplus property and sold at auction, as follows:

(ORDINANCE NO. 15-463)

President Russell moved for approval of the foregoing ordinance, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to apply for a Federal Transit Administration 49 U.S.C., Section 5307, Grant, as follows:

(RESOLUTION NO. 15-464)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to apply for a Federal Transit Administration 49 U.S.C., Section 5339, Grant, as follows:

(RESOLUTION NO. 15-465)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.



President Russell read and introduced a resolution authorizing the Mayor to execute Modification No. 2 to the agreement between the City of Huntsville and Family Services Center, Inc., for services to the homeless population, as follows:

(RESOLUTION NO. 15-466)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

President Russell moved for approval of a request for authorization to advertise and fill one (1) regular full time position of Animal Services Shelter Attendant, Grade 8, which motion was duly seconded by Councilwoman Robinson and was unanimously approved by the Council members present.

Councilman Kling read and introduced a resolution by the City Council of the City of Huntsville ratifying and approving the grant application for the FY 2015 Body-Worn Camera Implementation Program, as follows:

(RESOLUTION NO. 15-467)

Councilman Kling moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver.

President Russell asked if there was any discussion concerning this matter.

Councilwoman Robinson inquired as to how they had arrived

at the \$1.2 million figure.

Mr. Hamilton stated that the Federal Grant Application had provided a great deal of guidance on a model for managing the program, as well as some estimates they had established based on lessons learned from governments across the country. He stated that they gave a planning factor of \$3,000 per camera, noting that this was not \$3,000 for the camera itself, that it was intended to be for the entire system. He continued that, obviously, there was a great deal of support, communications, that backed up the camera itself. He continued that as a planning factor for them to estimate the total cost, they had used \$3,000 per camera.

Mr. Hamilton stated that the City would need 417 cameras to outfit all the sworn officers below the captain level, so for lieutenants and below, as well as investigators and other special positions, was what the 417 number would be, which he noted would get them to a figure of \$1.25 million. He stated that for the Federal grant, the maximum the City could get, based upon the size of the department and the city, was \$600,000. He continued that the City would be obligated to match that \$600,000, plus any additional above the \$1.2 million number. He stated that the City's match would be approximately \$650,000 were the City to receive the grant. He stated that by the Council ratifying submitting the application for the grant, they were, in effect, committing to meeting the City's obligation as it related to the grant.

Mr. Hamilton stated that they did not know exactly what the likelihood was of the City receiving the grant, that they did not know how many other cities would apply for this, or how they would compete. He stated that they thought they were competitive, that they certainly recognized the need, but noted that a lot of other cities had this need, as well. He reiterated that the formula the Federal Government had provided them was the basis for the figure.

Councilwoman Robinson inquired as to what would happen if the City did not receive the grant.

Mr. Hamilton stated that they were proceeding with developing the program and moving forward regardless. He stated that, obviously, that would be an additional \$600,000 they would have to find in the budget, but noted that Mayor Battle had expressed his intent as guidance to him and to the Police Department and the other departments that were part of this program to move on, to develop the program and pursue the acquisition of this system, regardless of whether or not the City received the grant. He stated that the grant would certainly help fund it, but he did not believe that it in any way would change the speed with which they would develop the program or their intent concerning it. He stated that, certainly, from a budgeting aspect, they would need to go ahead and assume that they would not get it, for the purposes of planning, to kind of assume a worst-case scenario from a budgeting standpoint. He stated that as they were developing

the budget, going into FY 16, they would need to include these funds in order to move forward with the program, with or without the Federal dollars.

Councilwoman Robinson asked if it was correct that they had made a \$600,000 commitment regardless.

Mr. Hamilton stated that it was \$650,000.

Mayor Battle stated that they were still working every aspect of this. He stated that most of the grant application followed Federal guidelines. He stated that they had discussed how they could speed up this Federal process and actually get ahead of the process, as outlined in the Federal proposal. He stated that because of the speed with which they had to have the grant in, they had followed all the Federal guidelines. He continued that they had a Federal guideline that said how long it should take to do this, this, and this. He stated that they were very hopeful that they could move faster than that and possibly have a system in place quicker than what had originally been put forward in the Federal grant.

President Russell asked if there was any further discussion of this matter.

Councilman Kling inquired as to whether they knew when they would hear one way or another concerning the grant application, as to whether it would be accepted or not.

Mr. Hamilton stated that he did not have the date for that. He stated that the deadline for submittal for everyone was June 16. He continued that at this time it would be going

into the review process. He stated that he did not have that specific date in his notes.

Mayor Battle reiterated that they were going to move forward regardless, that they would be budgeting the full amount into the budget, and that if they did have the grant to come through, they would have some extra latitude in the budget.

Councilman Culver asked Mayor Battle if when he said "the full amount," he was referring to the \$1.2 million.

Mayor Battle replied in the affirmative.

Councilman Kling inquired as to whether the grant application was an all or nothing, or if they could just prorate it among all the applying communities.

Mr. Hamilton stated that their understanding was that they could give them less than what they had asked for. He stated that based upon the number of cameras they had programmed in their request, they would be eligible for up to \$600,000, but their understanding was that they could give them less than that, and then any remaining requirement the City would be obligated to fund.

President Russell asked if there was any further discussion of this matter.

There was no response.

President Russell called for the vote on Resolution No. 15-467, and it was unanimously adopted by the Council members present.

Councilman Culver read and introduced a resolution authorizing the City Attorney to settle the claim of Hezekiah Richardson, as follows:

(RESOLUTION NO. 15-468)

Councilman Culver moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson.

Councilman Culver stated that notwithstanding what they could say about this particular settlement publicly, he had had some inquiries from constituents about the settlement of this case. He asked Mr. Joffrion what they could publicly discuss concerning this case.

Mr. Joffrion stated that they could talk about the amount and the name. He stated this involved some injuries to a minor child, and that this was to compensate for the damages. He stated that it involved a broken-off signpost that was not visible to the child and that had since been removed. He stated that it appeared to have been there for such a long period of time that the City was on constructive notice of it being there.

President Russell asked if there was any further discussion of this matter.

There was no response.

President Russell called for the vote on the above resolution, and it was unanimously adopted by the Council members present.

President Russell moved for approval of a request for authorization to fill vacant Police Officer positions, which motion was duly seconded by Councilwoman Robinson.

President Russell recognized Councilman Culver.

Councilman Culver stated that he had a question for Chief Morris relating to the urgency of this request. He inquired, also, as to how many positions they were looking at.

Chief Lewis Morris of the Police Department stated that he could not tell Councilman Culver exactly how many, noting that their Academy would start, hopefully, in March of 2016, and the process was a long process. He continued that Councilman Culver had been through this, as a police officer. He stated that there were approximately 13 vacancies at this time, and they anticipated they would have more. He continued that they would fill every vacancy they had at the time they started the Academy.

Councilman Culver inquired of Chief Morris if they were going to accept more candidates than they had vacancies, assuming that some of them might wash out. He continued that if they did not wash out, he knew Mayor Battle would find monies in the budget to keep these officers. He stated that the reason he was saying this was because if they were approved for 20 positions and they put 20 persons in the Academy, and somewhere during that long, arduous process, they would lose two to three persons, that would just be time and money lost in the meantime.

Mayor Battle stated that they were going to go to the maximum they could go with this number. He stated that if they remembered, they had added six officers the prior year and stated that they might be adding another six officers in the current year, that it would just depend on the budget. He continued that as they looked at the budget, they would be trying to add some. He stated that Mr. Hamilton had been working, along with Chief Morris, trying to make sure that the hiring process was a little better, also, so that when they made the hire, they could actually pull some of the young cadets in. He asked Mr. Hamilton to explain a little bit about this process.

Mr. Hamilton stated that Mayor Battle was correct, that the prior year there were some additional officers, and that their recruiting efforts for the prior year's class did not fully fill those additional slots, so that there was a shortfall there, in addition to the existing vacancies, so that the growth the Council had approved had not been fully realized. He continued that this was because of some of the washouts that had been discussed and, also, just not getting sufficient numbers into the Academy.

Mr. Hamilton stated that what Mayor Battle was alluding to in the recruiting process was that they were seeing a number of great candidates that, as one would expect, would apply to a number of departments. He continued that as they looked at their recruiting efforts, the hiring process had not always



been as nimble as they would like for it to be, and that in some cases, those great candidates were taking jobs with other departments, where the City would have liked to have had them. He stated that the candidate that Chief Morris had assessed as the No. 1 candidate had taken a job with another police department.

Mr. Hamilton stated that there were some really high quality persons out there that they would love to have in the Department, but that in some cases the process was taking longer than it should. He continued that they wanted to streamline that, and, also, to make sure that good candidates were not being eliminated unnecessarily early in the process, to be able to keep them in the hiring process longer. He stated that, as Mayor Battle had alluded to, they were looking at an appropriate point in the hiring process to bring them on as cadets and allow them to serve at appropriate levels within the Department, in preparation for the Academy.

Mr. Hamilton stated that sometimes they saw persons who, because of the months it had taken them to get the Academy started, had to take another job because they had to support their family. He continued that they believed they could get a lot of benefit out of having these persons do tasks that would not necessarily require a sworn officer. He stated that the cadets would not be carrying guns and would not be serving as sworn officers, but there were certainly things they could do in a number of areas in the Department to add benefit, and also

let them dedicate time to prepare for the Academy, which he noted would result in a much better graduation rate.

Mr. Hamilton stated that there were a number of things such as this in the recruiting to hiring process, and also the retention process, through the Academy, where they could make a real difference in the process. He stated that they were working these programs at this time and stated that some of the programs might require additional Council action, while others were more policy issues they could address inside the Administration. He stated that H.R. was dedicating a lot of time toward finding the right way to do this process.

Mr. Hamilton stated that Mayor Battle was correct, that they would need to bring on more cadets than what they had current vacancies for in order to realize the growth that had been identified as necessary.

Mayor Battle stated that he would like to thank Chief Morris for going through and breaking down the hiring process, and breaking it down to where it could be the most effective that it possibly could. He stated that he believed that in the past the hiring process had had some stop gaps in it that for someone who really had to have a paycheck every week or every month to pay bills, that person would not have had the opportunity to wait until they could actually start an Academy and start hiring. He stated that they were moving through some processes so that they could actually bring these young people on and have some of the best quality candidates

that there were out there for the police force.

Mr. Hamilton stated that it was not contained in the action that the Council was considering at this time, but something that they expected to bring to the Council in a future meeting were some changes to the program that would allow them to go out and do laterals. He continued that they were aware that there were some police officers in other departments who might be interested in moving to Huntsville. He stated that there were some things that they did to incentivize this, but that there was more they could do to actually bring in police officers from other parts of the state. He stated that at this time H.R. was looking at how they might be able to do this, and that some of this might require some Council action. He stated that this was related to the same process.

Councilman Culver stated to Chief Morris that they certainly appreciated his creativity in this regard.

Councilman Culver asked how they were doing with minority recruiting, noting that this had been a concern even back to the time when he had served as a police officer, in terms of trying to find candidates who would stay with them. He asked how they were doing in this arena.

Mayor Battle stated that that was a concern of theirs for every class they had had, noting that they had worked hard on every class. He continued that Chief Morris had some programs he was working on in this regard. He stated that he believed

one of the things that would really help this would be being able to hire persons quicker and get them on the payroll quicker, that if they found qualified candidates, ready to go, they could go ahead and get them on the payroll and get them paid. He continued that this was where they were losing many of them.

Mayor Battle stated to Chief Morris that he might want to address this matter also.

Chief Morris stated that what Mayor Battle had said was correct. He stated that hiring was very competitive, and that it was especially very competitive in minority hiring. He stated that it was important that they would be able to offer a job, that persons could not wait for a job. He stated that there were a lot of good police officers, that were already police officers in the state, that would love to come to Huntsville and be a part of the Huntsville Police Department. He continued that they were working on some incentives to make this happen.

Chief Morris stated that because of the length of the process, it was somewhat cumbersome, and there were some lag times in some periods. He stated that they had had a policy that they did not hire until the first day of the Academy, and stated that that meant if they were asking persons to apply for a job at this time, they were not going to be able to start to work until March. He stated that they had worked on this and were making it more attractive to go through the process. He

stated that they had changed some things in the process that he believed would help them. He stated that it was an old process, and that he believed they would do well this time.

President Russell asked Mr. Hamilton, concerning losing the No. 1 candidate, if they had lost the No. 1 candidate because of the length of time they took to hire or if it had been based on starting salary, or if there were other competitive advantages that they did not provide.

Mr. Hamilton stated that they had not had the opportunity to interview this person specifically, but just understanding where she went, it was most likely some of all that President Russell had mentioned. He continued that it was a smaller department, that most likely had a more compressed time, being a lot easier to deal with. He stated that they had a slightly higher salary structure, although not significantly. He stated that there may have been other factors, as well.

Mr. Hamilton stated that H.R. had actually commissioned a number of surveys where they had actually gone back out to persons who had submitted applications and then for some reason did not complete the hiring process. He stated that in prior years, they had had an inordinate number of persons who had submitted applications and then failed to show up for some of the testing and had never actually taken the first critical steps to really get into the process. He stated that they were going back to them and asking why they had not shown up, why they had taken the PT test and then not shown up for the

written exam, and things such as that. He stated that they had gotten some pretty good data, which he noted had really helped drive some of the changes they were trying to implement at this time.

Mr. Hamilton stated that they wanted to get persons to take that first step and not be intimidated by the process. He stated that some of the persons were intimidated by some of the initial tests. He stated that they were trying to do some things to break down these barriers and have persons understand that it was worth coming in and making the attempt. He continued that there were most likely a lot of persons who would have been good candidates but had not really gotten into the process. He stated that this was both majority and minority candidates, across the entire population.

President Russell stated that he recalled when Mr. Hamilton had provided a lot of information at a work session on this subject. He stated that they normally had so many candidates for such a small class, that he recalled there were approximately 1200 applications for a class of 20-something. He asked if Huntsville had more tests than other departments. He stated that Mr. Hamilton had said that applicants would come to the PT and then not continue on. He asked if every other department had a PT test and then a written test.

Mr. Hamilton stated that Chief Morris could go into more detail concerning this, but that, essentially, they met the

State standards.

Chief Morris stated that there were State standards, that there were State standards that persons had to pass the PT test. He stated that it was a question of where they got this in the process. He stated that the PT test was one of the things that was in the process that they could work with someone on, in order to help them pass that test. He continued that if this test were given in the very beginning, they would not have the opportunity to work with them. He stated that they were actually looking at changing the testing, noting that there was a State-approved test that was a different test than the test they were giving. He continued that the pass/failure rate on the test they had been giving was not where they wanted it to be. He stated that there was some other standardized testing that was approved by the State. He continued that the qualifications, or the things that one had to do in the process, were the same, that they were consistent throughout the State, noting that a person would have to be certified by the Alabama Peace Officers Standards and Training Commission.

Councilman Culver stated that he was aware that they met the minimum State standards but inquired if the standards were still above what the State required.

Chief Morris replied in the affirmative. He stated that the State had just upped their minimum standards from 480 to 520 hours, and that they were above that. He stated that he had recently been appointed by the Governor to be a

commissioner on the Alabama Peace Officers Standards and Training Commission, so he had been able to make some inroads into that, and that had been beneficial in helping them in Huntsville.

President Russell asked if there was any further discussion of this matter.

There was no response.

President Russell called for the vote on his motion for authorization to fill vacant Police Officer positions, seconded by Councilwoman Robinson, and it was unanimously approved by the Council members present.

Councilman Kling read and introduced a resolution authorizing the Mayor to enter into a Lease Agreement between the City of Huntsville and Greengate School, as follows:

(RESOLUTION NO. 15-469)

Councilman Kling moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver.

President Russell asked Mr. Hamilton for an explanation of the above resolution.

Mr. Hamilton stated that most persons in the community were most likely somewhat familiar with Greengate School, noting that it was a private school and that its mission was specifically to educate children suffering from dyslexia. He stated that it was kindergarten through 8th grade, and that they had in place the academic programs and intensive training



necessary to prepare these children to then leave the school and go into high schools with typical populations, whether it would be other private schools or public schools. He stated that they were a non-profit organization, and that where they were currently located was no longer meeting their needs, and they had been searching for another location.

Mr. Hamilton stated that when the City had gone into discussions with the School System about eventually taking on Cavalry Hill School, they had a strong desire to not let that school go vacant and be boarded up and be a detraction to the neighborhood. He stated that at the beginning when they were discussing this purchase agreement, they had not had a use for the school, but that they knew they needed to find something that would be valuable and beneficial to the community, to continue to use that school, which he noted was physically in great shape.

Mr. Hamilton stated that then Greengate School had come up as one of the potential users. He stated that the lease agreement with Greengate School was for only a portion of the school, that approximately 31,000 square feet was what the lease was, whereas the entire school was approximately 100,000 square feet. He continued that this would be for approximately one-third of the building. He stated that the lease payments would be in the amount of \$75,000 per year.

Mr. Hamilton stated that as they had looked at the way in which they would re-utilize this school, one of the benefits of

having an organization like this that had a revenue stream where it was appropriate for them to contribute lease payments would be that this could go directly into maintaining and sustaining the school, so that it would not be a complete burden on the City's budget.

Mr. Hamilton stated that they anticipated bringing to the Council more lease agreements for this facility in the future, for other non-profits. He stated that what he anticipated they would see in that building would be a collection of organizations that were really focused on enrichment and education programs for youth. He continued that there might also be some programs for persons outside of what would be defined as "youth," but that predominantly it would be youth programs that would be enriching and adding to academic success. He stated that there were a couple that had a lot of very good after-school programs and that had historical partnerships with the schools in that area. He continued that there were others that would fall outside of that, that there were some historical organizations that wanted to do some things, and that he expected them to also be able to contribute to the historical education and enrichment of the community. He stated that they had also received interest from the Library, in doing kind of a model for small libraries, like a meeting room kind of facility, and that they would co-locate in some of the disadvantaged areas. He stated that he anticipated that the Library would have a small branch in the facility that

would support the organizations that were doing the youth enrichment and academic enhancement.

Mayor Battle stated that he would like to mention that Greengate School was part of the quality of life in the city, noting that it was the only school for dyslexic students south of Nashville, west of Atlanta, and as far down as Birmingham, in the entire area. He stated that for the dyslexic students, they had one-on-one tutoring, and that they were taught to conquer dyslexia and taught to mainstream back into the school system. He stated that it was an expensive school, but a non-profit school. He stated that students might go one, two, or three years to Greengate, and then they would mainstream back into the public school system. He stated that for many of the persons that were moving in with BRAC, this was one of the quality-of-life issues they would ask about, was concerning special needs children. He stated that he believed this was just as much a part of the education system as the public school system, and that it did address a direct need in the community.

President Russell stated that he was certainly familiar with Greengate School, and that he appreciated their work and that he believed it enhanced the community. He stated that they had been his neighbor for many years, at Holmes Street Methodist Church, and that they had done a wonderful job.

President Russell stated that he was going to vote in favor of this because he did agree it was a special school, but

noted that he was concerned about the philosophy of the City buying the school and leasing it to a non-profit, or a school. He stated that he was going to go along with it based on just Greengate being special. He continued that if it were someone other than Greengate, he was not sure he could support it. He stated that he just wanted to make that clear. He continued that he was willing to go against a little philosophy for Greengate on this matter.

Mayor Battle stated that he understood completely what President Russell was saying. He stated that the City did not go out and try to compete with the private market, that, in fact, they tried not to compete with the private market. He stated that this was a case where a school was either going to not be there or be there, that this was a case of helping this school actually be in the community and provide a service to the community.

President Russell recognized Councilwoman Robinson.

Councilwoman Robinson stated that the State Department of Education did not recognize dyslexia as a disability, so that the public schools had a very difficult time serving that population, and that Greengate really did fill a significant void. She continued that they were very successful in educating dyslexic children and putting them back in the school system. She stated that they really had a great record and a good method that they were using. She stated to President Russell that she shared his concern, but noted that

this was a good place for the school.

Councilwoman Robinson stated that her concern, however, was that they were going to be occupying one-third of the building, and the building might be two-thirds empty. She stated that the School System had found that in their underutilized facilities, where only a small part of the building was being used, there were sometimes significant safety and security concerns that would arise. She stated that she was aware that other organizations were interested in the remainder of the building, but asked if as Greengate moved in and the remainder of the building was vacant, they were going to make sure that measures would be taken to secure the underutilized part of the building.

Mr. Hamilton stated that Councilwoman Robinson was absolutely correct, that that was a concern, and that it was something that General Services was ready to lead on, in looking at exactly what modifications needed to occur to the building and the management of preparing for the City taking it over, and then others occupying it. He stated that there were a number of other organizations that would pretty quickly follow on the heels of Greengate going in and occupying space.

Mr. Hamilton stated that the lease agreement had a floor plan, a site plan, of the building, and it showed the portion Greengate School would be taking. He stated that they would have the Administrative spaces, as well as the two center wings, so that they would be in a position where they would

control a major part of the building. He stated that persons might be familiar with the back portion, which was the newer part, that had originally been built for the special needs schooling. He stated that for that and the older wing that was connected to it, they anticipated at this point bringing to the Council lease agreements for the Village of Promise to take a portion of this, and the Boys & Girls Club, as well as the library, to take another portion.

Mr. Hamilton stated that he had met with these organizations on site about a week prior, to walk them through, and show them how the City saw the occupation plan going, and that they anticipated being prepared to move in probably in the September-October time frame. He continued that Greengate would be the sole occupant for only about 30 to 60 days. He stated that there was also a portion of the building on the front that was closest to the City's existing recreation center that Parks and Recreation would take over, being the gymnasium and a couple of other rooms, the locker rooms, et cetera, at the front of the building. He stated that they did not have a specific date for them, but that it would be pretty quickly. He stated that the recreation center was an active center that was immediately adjacent, so that they had oversight on the campus throughout the open hours of the center. He continued that there were people there, that it really did not sit vacant a lot.

Mr. Hamilton stated that this was a concern they had

looked at and Greengate had looked at, as to what the standards were for school security. He stated that there were some additional doors and things they had put in, security doors, that would allow them to achieve the security standards required of the school, and to kind of segregate their part of the building away from the other parts. He continued that these were their concerns and things they were working on. He stated that they would maintain a presence there and continue to get more occupants in.

Councilman Kling spoke in support of the resolution, stating that he believed it was a good plan, it was a good function, the way all the pieces were coming together. He stated that, as Mr. Hamilton had mentioned, the worst thing that could happen to a neighborhood would be to have an empty, vacant school. He stated that that was a concern that Lowe Mill had had, and that there had been a good outcome with that. He continued that it was a concern that Holiday Homes and other neighborhoods had concerning Stone Middle School, and there was a good outcome for that. He stated that he believed this would be a good shot in the arm for that neighborhood, and there would be a lot of good services, and that some of them would actually benefit the residents of the neighborhood as well as citywide.

Councilman Kling stated that the City was probably going to lose a little bit on it, but that taking into account the value of helping and supporting the neighborhood, he believed

it was a good plan. He stated that it looked like this would be just the first step of many good things that were going to fill up the neighborhood. He stated that that and some of the arts activities that were taking place there would make this a good plan and a good first step toward many more to come.

President Russell asked if there was any further discussion of this matter.

There was no response.

President Russell called for the vote on Resolution No. 15-469, and it was unanimously adopted by the Council members present.

Councilman Kling read and introduced a resolution expressing the Council's intent to appropriate a minimum of \$500,000 in the FY 2015-2016 Budget for startup of Police Department body cameras and supporting materials, as follows:

(RESOLUTION NO. 15-470)

Councilman Kling moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver.

President Russell asked if there was any discussion of this resolution.

Councilman Kling stated that this resolution would piggy-back with the resolution the Council had previously passed concerning body cameras. He stated that if the grant application worked out, that would be outstanding news, but if it did not, this resolution stated that the Council would join



the Mayor on the body camera issue. He stated that in the prior two Council meetings, members of the public had expressed their desire for this program. He stated that the resolution was just saying that there would be a minimum of \$500,000 for this program. He continued that this amount could be \$1.2 million, or even higher, but it would be an amount that would be voted on by the Council. He continued that the Council had the vote on the budget, and that they were just saying with this resolution that they had heard from the public in the prior meetings, and that it was their intent that the upcoming fiscal year would have a bottom line minimum of \$500,000 for this program. He continued that he felt this would be a good step for two reasons: Showing that they were listening to the people of North Huntsville who had spoken at the prior two Council meetings and, also, showing that the Council had confidence in their police officers because they would be carrying the cameras on them, and it would show how every day the police officers were out on the streets providing hundreds of services to the people of the city of Huntsville. He continued that it would show that they had confidence in their abilities, the way they maintained themselves. He stated that whenever a controversial issue might come up where questions would be asked, similar to a dash cam incident that had transpired a couple of years prior, there would be additional documentation that he believed would exonerate the police officers and show they acted properly and in accordance

with the responsibilities of their position.

President Russell recognized Councilwoman Robinson.

Councilwoman Robinson stated that she was not certain she understood the intent of the resolution, because the original resolution had allocated \$650,000 to the body camera program, or it had expressed the intent of the Council to direct \$650,000 at some point toward the body camera program. She asked how the resolution on the floor at this time was different.

Councilman Kling stated that in previous discussions concerning this matter, the figure of \$500,000 had been mentioned. He stated that he would wholeheartedly support an amendment from any Council member to raise the amount to \$650,000. He stated that the bottom line was that the Council had the vote on the budget at the proper time. He stated that by this resolution, they were saying up front that they were not going to wait and see whether or not the grant application was successful, that this resolution would say that it was the intent of the Council to vote for this appropriation, whether it would be \$500,000 or \$650,000, in the upcoming fiscal year budget. He stated that he believed this would put this issue to rest, noting that it had been dangling out there.

Councilman Kling reiterated that the bottom line was that the Council would have to vote on the budget. He continued that Mr. Joffrion had come up with what Councilman Kling believed was the strongest they could do under the

circumstances. He stated that there was no way the Council could allocate money from a budget they had not passed. He stated that until they had passed a budget, he felt the public should know that if the Council approved the resolution on the floor at this time, there was a pretty good chance they would vote for the appropriation being included in the fiscal year budget. He continued that if it was not in the budget, it would be the Council's intent to add it in.

Councilman Culver stated that the resolution was just kind of an insurance policy. He continued that he was aware that the Mayor had committed \$1.2 million, and that with that being said, he certainly would like to amend the ordinance to reflect the \$650,000.

Councilman Culver moved to amend Resolution No. 15-470 by changing the amount of "\$500,000" to "\$650,000."

Said motion was duly seconded by Councilman Kling.

President Russell stated that this was just a good-faith effort on the part of Councilman Kling and Councilman Culver, that, obviously, it would not be binding, that it would have to be discussed later. He stated that he was going to support the resolution, because they had all committed they were going to get body cameras, so that discussing whether it would be \$500,000 or \$650,000 would be irrelevant.

President Russell called for the vote on the above motion to amend the resolution, and it was unanimously approved by the Council members present.

President Russell asked if there was any further discussion of the resolution.

Councilman Culver stated that based on statements Councilman Showers had made, he believed that all were in favor of this, and that it appeared it was going to be in the Mayor's budget that would come to the Council. He stated that if this were to pass, he believed persons would basically be hearing that all of the Council members were going to support body cameras, and that commencing the following October, there would be a body camera program starting to be funded and implemented in the city.

Councilwoman Robinson stated that in the discussions they had been having during the prior few months, members of the public had said they wanted body cameras, the Council members had said they wanted body cameras, and the Mayor had said they wanted body cameras.

President Russell called for the vote on Resolution No. 15-470, and it was unanimously adopted by the Council members present.

President Russell stated that the next item on the agenda was Legal Department Items/Transactions.

President Russell read and introduced an ordinance authorizing the vacation of a portion of a Utility and Drainage Easement, Lot 26, Midtowne Subdivision (Love: 6433 Midtowne Lane), as follows:

(ORDINANCE NO. 15-471)

President Russell moved for approval of the foregoing ordinance, which motion was duly seconded by Councilman Kling and was unanimously adopted by the Council members present.

President Russell read and introduced an ordinance authorizing the vacation of a portion of a Utility and Drainage Easement, Lot 17, Midtowne Subdivision (MacDonald:6432 Midtowne Lane), as follows:

(ORDINANCE NO. 15-472)

President Russell moved for approval of the foregoing ordinance, which motion was duly seconded by Councilman Kling and was unanimously adopted by the Council members present.

President Russell read and introduced an ordinance authorizing the vacation of Utility and Drainage Easements, Lots 40, 41 and 42, Little Mountain Subdivision (Wright Homes, LLC: Saddle Ridge Drive), as follows:

(ORDINANCE NO. 15-473)

President Russell moved for approval of the foregoing ordinance, which motion was duly seconded by Councilman Kling and was unanimously adopted by the Council members present.

Mr. Joffrion submitted the following deeds for approval:

(DEEDS)

Whereupon, President Russell moved for approval of the foregoing deeds, which motion was duly seconded by Councilman Kling, and was unanimously approved by the Council members present.

President Russell stated that the next item on the agenda

was Non-Roster Communications from the Public.

Pastor T.C. Johnson, 1800 Sparkman Drive, appeared before the Council, expressing appreciation for the expeditious movement they had done on the cameras. He continued that they would attempt to cease from obtaining signatures concerning this matter, so that they would not be hearing from his group. He continued that, however, they would like to have periodic reports on the body camera program.

Pastor Johnson thanked Mr. Hamilton for coming to inform them concerning things that were being enhanced in the northern part of the city, noting that they certainly appreciated the presentation he had given. He stated that they appreciated Mr. Ivey having come also. He stated that Mr. Hamilton had told them they were not getting independent businesses in the area, and stated that he understood that they could not make independent businesses come into North Huntsville. He stated that they understood that this had been based on the level of income.

Pastor Johnson stated that what they would like to know, however, was that if they could not get them on income, if they could get them on tax sales, and if it could be estimated how much tax value from the North, on spending, went into the economy. He stated that if they could do that, perhaps they could incentivize these businesses by saying, "These people spent this much on sales tax." He stated that he did not know if it was possible to do it that way, but he felt this was the

best idea they had, to use the amount of money that would be spent. He stated that all research showed that African Americans had more in consumer spending. He stated that perhaps this could be used if they could approximate the amount of tax that went into the system around Madison County and Huntsville.

Pastor Johnson stated that they wanted to commend Chief Morris and thank him for the progress they had seen in the Police Department over the years, and also to commend Mayor Battle for this. He stated that he had previously argued that there were no black captains on the police force, and that at this time there were two. He stated that, of course, the number of African Americans and females in the Police Department was not what they would like for it to be.

Pastor Johnson stated that they did have an opportunity at this time, noting that he understood they were getting ready to appoint a new Deputy Chief. He continued that they were on edge to see how this particular procedure would go. He stated they felt like they could show a greater diversity in upper leadership by sitting at the table to help the Chief work out what they could do to increase that number, noting that they had to increase the number. He continued that it was not just the Police Department, but also other areas, and even on Redstone Arsenal. He stated that there was still a lack of diversity at very high levels. He stated that they should look at this at high levels, and he believed this would give

African Americans an incentive to say, "This Police Department is really serious about the changes that need to be made."

Pastor Johnson stated that he certainly hoped the Chief would consider this. He continued that there were some other things that he could do, given a particular choice in the appointments that he would make.

Pastor Johnson stated that he had a question he had asked previously, and he wished to rephrase it at this time. He asked, "If Citizen A pulls a knife and opens it on and threatens Citizen B, is it just impolite or is it a crime?" He stated that he would like for that question to be answered by those who knew the law.

President Russell asked if anyone wanted to answer Pastor Johnson's hypothetical question: If Citizen A pulls a knife on Citizen B, is it a crime?

There was no response.

President Russell stated to Pastor Johnson that he thought one had to be there, that he thought a police officer had to be on the scene and use his good judgment.

Mr. Joffrion stated that he did not believe it would be wise for them to deal in hypotheticals, that he believed they should just respond to factual situations.

President Russell recognized Councilman Culver.

Councilman Culver stated that he knew the answer, but he was going to refrain from explaining the answer publicly. He stated that if one looked at the Code of Alabama 1975,



Title 13A, the section under "Menacing," one could find something that would answer that question.

Ms. Jackie Reed again appeared before the Council, stating, concerning the ticket she had mentioned earlier, that she was just thinking she should have had it voided since she was the "Councilperson for the Day" at one time.

Ms. Reed stated that the matter of the Vehicles for Hire should have been for discussion at a work session of the Council, noting that there were many questions concerning that matter that had not been answered. She asked, concerning the fee of \$5,000 per company, if there was a certain number of cars the companies could put on the streets. She stated that she had not heard that question answered. She asked if it was correct that it was \$125 per vehicle for a license. She stated that perhaps she had not gotten her notes right. She stated, concerning the number of cars that a company could put on the streets, that if there were 10 companies and 25 cars, they would put the taxicab drivers and limousine people out of business.

Ms. Reed stated that the bus system in the city had been not good for working people for many, many years, that they had not really cared too much about the working people. She stated that she did not know if these persons could afford to ride in these cars or not.

Ms. Reed asked if the City would be liable for anything if something happened with this transportation since they were a

part of it. She continued that if the drivers were just running up and down the streets and the City was not checking any of them, if the City would have any liability.

Ms. Reed asked who came up with all this new stuff in the city, noting that they were always wanting to be like New Orleans, Nashville, Chattanooga, et cetera, all kinds of places. She asked Mayor Battle if he came up with all of this. She stated that she had never heard of such stuff that they wanted to be like.

Ms. Reed that they could not take care of what they had. She asked that they please hire more police officers and be a safe city, get the roads paved like they needed to do, and start thinking of some of the things they needed to take care of that they already had. She stated that they needed money put in for a safe environment for the people in the city of Huntsville. She stated that if they were trying to outsmart one another in raising the minimum for the body cameras, that the following year was election year, and she would put \$1 million from the budget in it. She stated that that appeared to be what they were doing, making deals up there.

President Russell asked Mr. Hamilton if he could answer Ms. Reed's questions, concerning the number of vehicles and the \$5,000 fee, et cetera.

Mr. Hamilton stated that the \$5,000 was a flat fee for a TNC to obtain a license to operate in the city, and that for the TNC specifically, there was not a limit on the number of

cars or drivers they could add that would operate under that license. He stated that the \$125 per car fee was specific for the taxis, that it did not apply to TNC's. He stated that the difference in that structure was an attempt to acknowledge the difference in the business models and the way they operated. He stated that the way in which they developed their fleet was different, so the ordinance was structured to accommodate those different business models, to allow the two different services. He stated that there was a limit on the number of cars that a taxi service could bring in, and that the ordinance set out how many they could have and how many they could add per year. He stated that there was some structure to that in order to make sure there was a good balance within that particular business structure.

Ms. Carol Cotney appeared before the Council, stating that she was homeless and did not have an address, but that she had been renting a P.O. Box at Haysland Post Office for about 16 years, being P.O. Box 4653, Huntsville, and that the street address was 8401 Whitesburg Drive.

Ms. Cotney stated that she had recently noticed a flyer of the Huntsville Times at the Library that the City had a plan of wanting to expand City services, as far as bus service, and add Saturdays. She asked them to consider possibly adding Sunday morning. She asked what percentage of the people that were arrested by the Huntsville Police Department went to church on Sunday, or Saturday, or Friday night.

Ms. Cotney stated that she was also concerned about transportation to the major industrial sites. She stated that persons had said to bicycle, but noted that it might be 20 degrees outside, and one might ride a bicycle for an hour or two, stand on their feet for 12 hours, and the same thing back across town. She stated that when they started adding these industrial sites, they should consider getting the people to the sites. She stated that there was 21 percent of the population making less than \$15,000 a year. She stated that if persons could financially support themselves, that would reduce government spending. She stated that approximately 50 percent of the Federal budget was in social programs, and that they could reduce that by 30 percent. She continued that this would reduce crime and all this other stuff.

Ms. Cotney stated that a problem in Huntsville, in business, was the job title of "Engineer." She stated that in order to be a legal engineer, one had to have a bachelor's degree in engineering from an accredited university, and also had to be accredited by the American Board of Engineering Technology. She stated that there were companies doing business in the city that would say the minimum requirement for a job of "Engineer" was a high school diploma. She stated that engineering jobs were being filled by persons without engineering degrees. She stated that she did not know in how many other professions this was happening, but that it was happening in Huntsville and it was very prominent, and that it

should be addressed.

President Russell asked if there was anyone else who wished to address the Council.

There was no response.

Upon motion, duly seconded, the meeting was adjourned.

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PRESIDENT OF THE CITY COUNCIL

ATTEST:

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CITY CLERK-TREASURER